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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PEDRO CHAVEZ CHAVEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-71658

Agency No. A95-294-934

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 8, 2006^{**}

Before: CANBY, BEEZER and KOZINSKI, Circuit Judges.

Pedro Chavez Chavez, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's order denying his application for cancellation of removal.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of constitutional violations. *Torres-Aguilar v. INS*, 246 F.3d 1267, 1271 (9th Cir. 2001). We deny the petition for review.

Because the notice to appear was served when suspension of deportation relief was no longer available, Chavez Chavez was properly placed in removal proceedings. *See Vasquez-Zavala v. Ashcroft*, 324 F.3d 1105, 1107-08 (9th Cir. 2003).

The agency did not err in denying Chavez Chavez cancellation of removal because there is no dispute that he lacks a qualifying relative. 8 U.S.C. § 1229b(b).

Moreover, Chavez Chavez's equal protection challenge to the Nicaraguan Adjustment and Central American Relief Act ("NACARA") is foreclosed by *Jimenez-Angeles v. Ashcroft*, 291 F.3d 594, 602-603 (9th Cir. 2002) (rejecting equal protection challenge to NACARA's favorable treatment of aliens from some countries, over those from other countries including Mexico).

PETITION FOR REVIEW DENIED.